

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 10, 15, 20, and 25 have been amended, and claims 30-35 have been added. No new matter has been added. The claims are supported fully by the specification as filed, for example they are supported at least by Figures 1-4, 14b, 14d, 14e, and 18a and pages 3, 8-13, 16, 20, and 31 of the written description. Claims 10-35 are currently pending in the application and subject to examination.

I. 35 U.S.C. § 112, first paragraph

In the Office Action dated September 4, 2009, claims 10-29 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement, asserting that the term “repository” is not disclosed in the specification.

The Applicant agrees with the Examiner that the actual term “repository” is not included in the written description. However, the specification describes and illustrates the element referred to as “text memory 428” in figure 4 that is connected to processor 404, and memory 1040 that is illustrated as an element for storing data at file server 1024 in FIG. 18a. Further, the written description includes further illustrations of possible types of memory, for example on page 12, lines 1-6. Thus, the specification includes multiple exemplary illustrations of elements for storing text/data in memory. “Repository” is a commonly understood term for a place for depositing or storing something. Therefore, the Applicant submits that the concept of a repository, as used in

the claims, is fully supported by at least FIG. 4, FIG. 18a, and the accompanying written description.

Therefore, the Applicant respectfully requests that the rejection of claims 10-29 under 35 U.S.C. § 112, first paragraph be withdrawn.

II. 35 U.S.C. § 101

Claims 10-19 are rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. The Office Action asserts that claims 10-19 are non-statutory because they can be performed within the human mind.

Claims 10 and 15 have been amended to recite in the preamble that the methods are performed “via a computer.” Thus, the preamble includes the statutory subject matter to which the claim is tied, as suggested by the Examiner in section 6 of the Office Action. The Applicant notes that claims 10-19 already positively identified the apparatus that accomplishes the method steps in the body of the claims, such as the processor, user interface, and repository in claims 10 and 15.

Therefore, the Applicant submits that the steps cannot be performed merely in a human mind, but must be performed via a computer having a processor, user interface, and repository.

Thus, the Applicant submits that claims 10-19 are directed to patentable subject matter as required by 35 U.S.C. § 101, and requests that the rejection of claims 10-19 under 35 U.S.C. § 101 be withdrawn.

III. 35 U.S.C. § 103

Claims 10-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,475,399 to Borsuk (“Borsuk”) in view of U.S. Patent No. 5,666,493 to

Wojcick et al. ("Wojcick"). It is noted that claims 10, 15, 20, and 25 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection as follows.

A. Claims 10-14 and 20-24

The Applicant submits that neither Borsuk nor Wojcick disclose or suggest a method for tracking purchases of electronic books via a computer, including at least the combination of receiving a plurality of electronic books at an operations center from a plurality of sources; formatting the plurality of electronic books into a standard format; storing the formatted electronic books in a repository at the operations center; storing identifications for the plurality of electronic books for display on a viewer in a repository accessible by a processor; associating via the processor each of the electronic books with a source of the electronic book; providing via a user interface functioning via the processor the electronic books for purchase by subscribers; recording an indication of purchases of the electronic books in the repository; and associating via the processor an amount of each purchase with the source for the corresponding electronic book, as recited in amended claim 10.

For at least this combination of reasons, the Applicant submits that amended claim 10 is allowable over the cited art.

For similar reasons, the Applicant submits that amended claim 20 is likewise allowable. As claims 10 and 20 are allowable, the Applicant submits that claims 11-14, 21-24, and newly added 30-35, which depend from allowable claims 10 and 20, are therefore also allowable for at least the above noted combination of reasons.

B. Claims 15-19 and 25-29

The Applicant submits that neither Borsuk nor Wojcick disclose or suggest a method for providing on-line accounts for purchases of electronic books via a computer, including at least the combination of storing identifications of a plurality of electronic books on a viewer in a repository accessible by a processor at an operations center; providing the electronic books for purchase by subscribers at a user interface functioning via the processor; initializing a plurality of home subsystems to create on-line accounts for a plurality of subscribers, including transferring subscriber information and a billing account to a billing and collection system for each of the subscribers; recording via the processor an indication of purchases of the electronic books in the corresponding accounts; and associating via the processor an amount of each purchase with the source for the corresponding electronic book, as in amended claim 15.

For at least this combination of reasons, the Applicant submits that amended claim 15 is allowable over the cited art.

For similar reasons, the Applicant submits that claim 25 is likewise allowable. As claims 15 and 25 are allowable, the Applicant submits that claims 16-19 and 26-29, which depend from allowable claims 15 and 25, are therefore also allowable for at least the above noted combination of reasons.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, with reference to Attorney Docket No. 026880-00034.

Respectfully submitted,

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